

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

**CUSTOM INTERIORS & SUPPLY
COMPANY, INC.,**

Plaintiff,

v.

**ADVANCED COMPONENTS
SPECIALISTS, INC.,**

Defendant.

NO. 04-1158 T/An

FILED BY 8 D.C.
05 AUG 11 AM 10:07
THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENN. JACKSON

ORDER GRANTING MOTION TO AMEND COMPLAINT

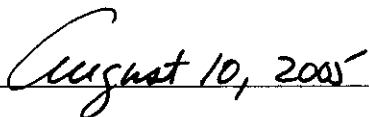
Before the Court is Plaintiff's Motion to Amend Complaint filed on July 18, 2005. For the reasons set forth below, the Motion is **GRANTED**.

Plaintiff has requested leave of court to amend its Complaint to assert additional causes of action and damages that have arisen since the original Complaint was filed. A pleading may be amended "only by leave of court . . . and leave shall be *freely* given when justice so requires." Fed. R. Civ. P. 15(a) (emphasis added). "In deciding whether to allow an amendment, the court should consider the delay in filing, the lack of notice to the opposing party, bad faith by the moving party, repeated failure to cure deficiencies by previous amendments, undue prejudice to the opposing party, and futility of amendment." *Perkins v. Am. Elec. Power Fuel Supply, Inc.*, 246 F.3d 593, 605 (6th Cir. 2001). After review, the Court concludes that Plaintiff's proposed amendments are not prejudicial and should be allowed.

Furthermore, Defendant failed to file a response to the motion as required by Local Rule 7.2(a)(2). "Failure to timely respond to any motion, other than one requesting dismissal of a claim or action, may be deemed good grounds for granting the motion." Local Rule 7.2(a)(2). As such, for good cause shown and because Defendant did not respond, the Motion is **GRANTED**. Plaintiff shall file its amended Complaint within 11 days of entry of this Order.

IT IS SO ORDERED.


S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: 



Notice of Distribution

This notice confirms a copy of the document docketed as number 15 in case 1:04-CV-01158 was distributed by fax, mail, or direct printing on August 11, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT